



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

March 10, 2011

Earl Lott
Director, Waste Permits Division
Texas Commission on Environmental Quality
MC 126, P.O. Box 13087
Austin, Texas 78711-3087

Re: TCEQ UIC Permit #'s WDW-410, WDW-411, WDW-412 and WDW-413
TexCom Gulf Disposal, LLC, TCEQ Docket # 2007-0204-WDW

Dear Mr. Lott:

The U.S. Environmental Protection Agency (EPA), Region 6, has been closely following the Texas Commission on Environmental Quality's (TCEQ's) permitting proceedings regarding the application of TexCom Gulf Disposal, LLC (TexCom). This process culminated on January 26, 2011, with the Commissioners' approval of permits for the operation of four commercial Class I non-hazardous injection wells by TexCom in the Conroe Oil Field of Montgomery County. The purpose of this letter is to restate our concerns regarding the issuance of these permits.

Since the vote to approve the Underground Injection Control (UIC) permit for the TexCom disposal wells, we have responded to numerous citizens' inquiries and concerns regarding TCEQ's decision to issue the permits. We have also conducted, as part of our oversight authority for TCEQ's UIC program, a re-evaluation of the technical basis for such action. Consistent with technical concerns which have been communicated to TCEQ for the last several years, we continue to believe the approval of the TexCom permit application is problematic for a number of reasons.

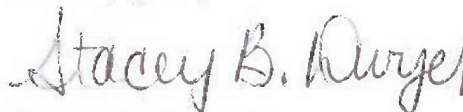
Of primary concern is the protection of underground sources of drinking water which supply community water systems and domestic wells in the area of the TexCom site. The site is located in an area with many old wellbores that have incomplete or missing records for their drilling, completion, and/or abandonment details, including in some cases, their locations. Under some circumstances, these wellbores may provide a pathway for migration of fluids into the overlying underground sources of drinking water.

Our review of the available information also raises concerns about the accuracy of the site geology and injection zone characteristics in the TexCom permit application. These, along with other issues that we have identified, may significantly impact the accuracy of the pressure buildup predictions. The assessment of other wellbores in the area of proposed injection wells and the pressure buildup calculations are among the most fundamentally important aspects of proper injection well siting and authorization under the UIC program.

As a result of these uncertainties regarding the site's waste confining capability, based on EPA's review, we believe the TexCom permit application is technically insufficient to show that injection will not endanger underground sources of drinking water.

EPA would like to meet with you and your staff to discuss our technical concerns and recommendations. In the mean time, should you have questions please contact me at (214) 665-7150, or your staff may contact Mr. Philip Dellinger, Chief, Ground Water/UIC Section, at (214) 665-8324, or dellinger.philip@epa.gov. I look forward to our future communications as we explore these important issues related to our protection of the drinking water resources of the State of Texas.

Sincerely yours,

A handwritten signature in dark ink, reading "Stacey B. Dwyer". The signature is fluid and cursive, with the first name "Stacey" being the most prominent.

Stacey B. Dwyer, P.E.
Associate Director
Source Water Protection Branch

cc: Richard Hyde, P.E., TCEQ Deputy Director, Office of Permitting and Registration (MC 122)
Susan M. Jablonski, P.E., TCEQ Director, Radioactive Materials Division (MC 233)

LaDonna Castañuela, TCEQ Chief Clerk (via eFiling)